

EXHIBIT 7

Bryson, Santana And Joshua Vs. Rough Country, LLC

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1 IN THE UNITED STATES DISTRICT COURT

2 NORTHERN DISTRICT OF GEORGIA

3 GAINESVILLE DIVISION

4 SANTANA BRYSON AND JOSHUA BRYSON,)

5 AS ADMINISTRATORS OF THE ESTATE)

6 OF C.Z.B., AND AS SURVIVING)

7 PARENTS OF C.Z.B., A DECEASED)

8 MINOR,) CIVIL ACTION FILE NO.:

9 Plaintiffs,) 2:22-CV-17-RWS

10 v.)

11 ROUGH COUNTRY, LLC,)

12 Defendant.)

13 VIDEOTAPED VIDEOCONFERENCE

14 RULE 30(B)(6) DEPOSITION OF

15 RAD J. HUNSLEY

16 ON BEHALF OF

17 ROUGH COUNTRY, LLC

18 August 4, 2023

19 10:08 a.m.

20 Dyersburg, Tennessee

21 Jennifer B. Ourada, CCR

22 Certificate No. 2658

1 heights.

2 Q Okay. So if I heard you correctly, you
3 said that Rough Country reviewed Bacho's reports,
4 NHTSA literature.

5 And was there something else that Rough
6 Country reviewed? I'm just trying to remember
7 everything you said.

8 A No, that's it.

9 Q Do you know what Rough Country reviewed
10 from NHTSA?

11 A The 2012 study or evaluation, you know,
12 of -- I can't remember what the exact type the
13 document was regarding vehicle compatibility.

14 Q And so Rough Country is aware that when
15 someone installs a Rough Country lift, that causes
16 vehicles to be less compatible. Correct?

17 MR. HILL: Object to the form. Go ahead.

18 BY THE WITNESS:

19 A No. Not to my knowledge, no.

20 BY MS. CANNELLA:

21 Q Does Rough Country disagree with NHTSA's
22 conclusions in the 2012 paper that you're talking
23 about?

24 A No. To my knowledge, their conclusions
25 were relatively inconclusive.

1 Q Okay. So it's Rough Country's position
2 that no one knows if lifting a truck causes --
3 increases the chance of injury in a wreck; is that
4 right?

5 A We have never been -- I've never been
6 presented with evidence to that, yes.

7 Q You've never been presented with evidence
8 that injuries can be caused because of a lift kit?

9 MR. HILL: Object to the form. Go ahead.

10 BY THE WITNESS:

11 A Injuries could be caused in any vehicle
12 accident.

13 BY MS. CANNELLA:

14 Q I'm sorry, can you repeat that?

15 A I said: Injuries could be caused in any
16 vehicle accident.

17 Q And what did Rough Country do to figure
18 out whether its lift kits would increase or cause --
19 increase the chances of injury or death?

20 MR. HILL: Object to the form. Go ahead.

21 BY THE WITNESS:

22 A Basically, you know, we've been selling
23 the kits for 30 years. And from consumer feedback,
24 we have -- don't have any evidence that the inherent
25 nature of our kits cause any issue.

1 THE COURT REPORTER: Ms. Cannella?

2 MS. CANNELLA: Yes, ma'am.

3 THE COURT REPORTER: I'm sorry, can we go
4 off for one moment.

5 MS. CANNELLA: Yes, ma'am.

6 THE VIDEOGRAPHER: Off the record, 10:15.

7 (There was a break in the proceedings from
8 10:15 a.m. through 10:17 a.m.)

9 THE VIDEOGRAPHER: Back on the record.

10 The time is 10:17.

11 BY MS. CANNELLA:

12 Q All right. Mr. Hunsley, you said that
13 no -- that Rough Country has no evidence from
14 consumer feedback that its lift kits are causing an
15 issue with injury.

16 Is it Rough Country's testimony that it's
17 waiting for its consumers to tell it if people are
18 getting hurt in crashes because of the lift kit?
19 How would consumers know that?

20 A Well, we've never had any feedback from
21 any government agencies. What I mean by
22 "consumers," we've been putting our product in
23 commerce for 30 years. And with the millions of
24 kits and billions of miles of exposure of our
25 product on the road, we've never had any incidents.

1 I don't know of any incidents where the -- where our
2 kit is clearly defined as being an inherent negative
3 factor in any type of incident.

4 Q All right. Mr. Hunsley, we're going to
5 get back to Rough Country's knowledge of incidents
6 on the road. So we'll come back to that in a little
7 bit, but I want to go back to something that you've
8 already said and my question specifically, which is:
9 What has Rough Country done to figure out if its
10 lift kits are increasing the chance of injury to
11 people on the road?

12 MR. HILL: Object to the form. Go ahead.
13 BY THE WITNESS:

14 A Again, we -- you know, we've reviewed data
15 from the Bacho case. In the last ten-plus years,
16 it's really the only one that I personally have had
17 information on regarding analysis, you know, kind of
18 real analysis of our kit, you know, and their effect
19 in a dynamic crash, you know, scenario. And from
20 those results, there was, you know, no findings or,
21 you know, no findings that warranted any, you know,
22 need for redesign, corrective action, I guess
23 relative to our protocols and components and kit
24 performance.

25 Q So is it true that what you're saying is

1 all Rough Country has done to figure out if its lift
2 kits cause injury or increase the chances of injury
3 to people on the road is review the information that
4 it received in the Bacho case in 2014. Correct?

5 MR. HILL: Object to the form.

6 BY THE WITNESS:

7 A As far as any specific data relative to
8 kind of our kits, you know, in a dynamic crash
9 scenario, that would be accurate.

10 BY MS. CANNELLA:

11 Q What data are you talking about?

12 A The expert reports that were generated
13 from that -- the investigation of that incident.

14 Q Okay. So let me go back to my question.
15 Is it just Bacho that RC -- that Rough Country has
16 looked at to figure out if there's any increase in
17 the chance of injury as a result of these lift kits;
18 is that right?

19 MR. HILL: Object to the form. Go ahead.

20 BY THE WITNESS:

21 A Again, their review of NHTSA, you know,
22 testing that's been done. There was a 2005 test.
23 Again, I don't recall the name of that test where
24 NHTSA had seven or eight different vehicles from
25 different categories, you know, sizes of vehicles

1 about work it had done to figure out whether its
2 product cause injury?

3 MR. HILL: Object to the form. Go ahead.

4 BY THE WITNESS:

5 A I'm stating that -- again, you know, we
6 have -- the documents that we have reviewed as a
7 company, that I personally have reviewed, you know,
8 even prior to this litigation.

9 BY MS. CANNELLA:

10 Q Mr. Hunsley, I understand that and you've
11 talked about that, but I need you to answer my
12 specific question that I'm asking. We've exchanged
13 written responses in this case. Correct?

14 A Yes.

15 Q Okay. And Plaintiffs asked, quote
16 (as read): Describe all work done by you to account
17 for the possibility of such injury, including all
18 tests, design criteria, and performance objectives.

19 Is that correct?

20 A Yes.

21 Q Okay. And in response to that in the
22 written discovery, there is no mention of any
23 testing done. Correct?

24 A Yes. We have not personally conducted any
25 testing. That is accurate.

1 Q You did not do any physical crash tests.
2 Correct?

3 A That is correct.

4 Q And Rough Country did not do any computer
5 crash-testing. Correct?

6 A No. No, we have not been directly
7 involved, again other than expert tests that were
8 done for incidents, like for Bacho.

9 Q I'm sorry. Has Rough Country done any
10 computer tests to figure out whether its vehicles --
11 whether its lifts can cause injury?

12 MR. HILL: Object to the form. Go ahead.

13 BY THE WITNESS:

14 A No.

15 BY MS. CANNELLA:

16 Q And Rough Country hasn't done any research
17 about the possibility of creating such tests.
18 Correct?

19 A You know, we, again in reviewing the data
20 that's out there from NHTSA, there doesn't appear to
21 be any inherent risk, you know, so, no, we don't --
22 I wouldn't know how to create a test to, you know,
23 verify what you're asking.

24 MS. CANNELLA: Move to strike as
25 nonresponsive.

1 BY MS. CANNELLA:

2 Q Did Rough Country do any research to
3 figure out how it might design a test to know and to
4 explore and to research whether lift kits can
5 contribute or cause injury in wrecks?

6 A No, we did not because we don't -- the
7 issue.

8 MS. CANNELLA: Move to strike as
9 nonresponsive everything after the word "no."

10 BY MS. CANNELLA:

11 Q Did Rough Country hire any safety
12 companies to explore this question?

13 MR. HILL: Object to the form. Go ahead.

14 BY THE WITNESS:

15 A No, not that I'm aware.

16 BY MS. CANNELLA:

17 Q Did Rough Country have any meetings with
18 NHTSA about this issue?

19 A And what issue specifically?

20 Q The possibility that vehicle mismatch in
21 raising bumpers can cause injury.

22 MR. HILL: Object to form. Go ahead.

23 BY THE WITNESS:

24 A Again any vehicle impact is going to
25 potentially cause injury. We have not had any

1 MS. CANNELLA: Move to strike as
2 nonresponsive.

3 BY MS. CANNELLA:

4 Q Mr. Hunsley, has RC, has Rough Country had
5 any meetings with representatives of automakers
6 about the problems that can be caused when
7 aftermarket lift kits are installed on vehicles?

8 MR. HILL: Object to form. Go ahead.

9 BY THE WITNESS:

10 A No, not that I'm aware of, that specific
11 topic, no.

12 BY MS. CANNELLA:

13 Q Isn't it true that RC has never created
14 any design criteria to account for the possibility
15 of increased crash intrusion caused by a vehicle's
16 aftermarket lift?

17 MR. HILL: Object to the form. Go ahead.

18 THE WITNESS: Could you repeat the
19 question again, please?

20 BY MS. CANNELLA:

21 Q Isn't it true that RC did not create any
22 design criteria to account for the possibility of
23 increased crash intrusion caused by aftermarket
24 lifts?

25 MR. HILL: Same objection. Go ahead.

1 BY THE WITNESS:

2 A Yeah -- no -- yes, I guess, no, we have
3 not.

4 BY MS. CANNELLA:

5 Q And isn't it true that Rough Country has
6 not attempted to create any performance criteria to
7 account for the possibility of increased crash
8 intrusion caused by aftermarket lifts?

9 MR. HILL: Object to the form. Go ahead.

10 BY THE WITNESS:

11 A I'm not sure what you're looking for
12 there, the performance of. We don't believe that
13 the function or performance of our kits intuitively
14 increase any danger to the crashworthiness of any
15 vehicle.

16 BY MS. CANNELLA:

17 Q Okay. Mr. Hunsley, where are the meeting
18 minutes from the discussions that Rough Country is
19 saying today it had about the NHTSA study in 2012?

20 MR. HILL: Object to the form. Go ahead.

21 BY THE WITNESS:

22 A There's no formal meeting minutes that I'm
23 aware of.

24 BY MS. CANNELLA:

25 Q Who was at that meeting?

1 BY MS. CANNELLA:

2 Q Yes or no: Are the people you just
3 discussed, none of them are licensed engineers.
4 Correct?

5 A I guess in the term that you may be
6 saying. I'm an engineer. I'm not a professional, I
7 do not hold the professional engineer stamp.

8 Q And professional engineering is a
9 credential that makes somebody a licensed engineer.
10 Correct?

11 A I guess possibly in some states, yeah. I
12 believe that's correct.

13 Q Thank you. And your background is, at the
14 time you came to Rough Country and started reviewing
15 the Bacho documents and deciding whether lifts were
16 dangerous, your background was in smokers. Correct?

17 MR. HILL: Object to the form.

18 BY THE WITNESS:

19 A I came from a smoker manufacturing company
20 when I joined Rough Country --

21 Q What was the -- sorry -- what was the name
22 of that company?

23 A Southern Pride. Prior to that --

24 Q And Southern Pride -- I'm sorry, go ahead.

25 A Prior to that, I spent 16 years in the

1 consumer, then, yes, I would assume we would.

2 BY MS. CANNELLA:

3 Q Okay. Do you agree it's foreseeable that
4 an F-250 with an RC lift will be in a collision?

5 A Yes. Any vehicle could be involved in a
6 collision, yes.

7 Q Okay. And do you agree it's foreseeable
8 that an F-250 with a Rough Country lift will crash
9 into the rear of a car?

10 A Yes, there's a potential for that.

11 Q And do you agree it's foreseeable that an
12 F-250 with a Rough Country lift -- to collide with a
13 vehicle that has a child restrained in the backseat?

14 A Yes. Vehicles -- collisions could happen
15 in a multitude of configurations, yeah.

16 Q And so you agree it's foreseeable that a
17 Rough Country lifted vehicle can crash into a car
18 that has a child restrained in the backseat?

19 A Yes, ma'am.

20 Q Okay. Now, you and Rough Country have
21 been investigating the collision in this case for
22 some time. Correct?

23 A Yes, ma'am.

24 Q You personally inspected the vehicles
25 involved in this collision; is that right?

1 BY THE WITNESS:

2 A Yeah, I guess you're probably accurate.

3 BY MS. CANNELLA:

4 Q And isn't it true that if trucks didn't
5 get in crashes, they wouldn't need airbags.

6 Correct?

7 MR. HILL: Same objection.

8 BY THE WITNESS:

9 A Yes. The intention of an airbag is to
10 lessen the severity of impact in the crash, yes.

11 BY MS. CANNELLA:

12 Q And Rough Country agrees that trucks do
13 need seat belts and airbags. Right?

14 A Yes.

15 Q Okay. And isn't it true that Rough
16 Country knows that Rough Country lifts have to be
17 designed to be safe in crashes because crashes
18 happen?

19 MR. HILL: Object to form. Go ahead.

20 BY THE WITNESS:

21 A Yes, we -- I would agree with that.

22 BY MS. CANNELLA:

23 Q And isn't it true that Rough Country
24 blames its own customers for injuries and deaths
25 that happen in crashes involving Rough Country

1 products, but Rough Country never tells those people
2 that they could kill someone if they choose to use a
3 Rough Country lift?

4 MR. HILL: Object to the form.

5 BY THE WITNESS:

6 A It could be false -- they -- that's false
7 because that would -- you're insinuating that the
8 lift of a truck inherently causes an increased risk
9 of severity in a crash, which is not accurate.

10 BY MS. CANNELLA:

11 Q Does Rough Country agree that the Brysons
12 did nothing wrong?

13 MR. HILL: Object to the form. Go ahead.

14 BY THE WITNESS:

15 A Yeah. I don't know of anything that the
16 Brysons could have done differently at this point.

17 BY MS. CANNELLA:

18 Q And does -- I'm sorry. Finish that.

19 A Based on what I know of the evidence, you
20 know, of what I've reviewed at this point.

21 Q And does Rough Country agree that the
22 Bachos back in 2014, in the 2014 case, that the
23 Bachos did nothing wrong?

24 A No. I don't know of anything that they
25 did, no.

1 Did I hear that correctly?

2 A Yes, ma'am.

3 Q Isn't it true that Rough Country doesn't
4 want to know if its lifts make vehicles more
5 dangerous in a crash?

6 MR. HILL: Object to form.

7 BY THE WITNESS:

8 A No, that's not accurate.

9 BY MS. CANNELLA:

10 Q Okay. Well, you talked about the 2012
11 study that Rough Country reviewed by NHTSA.
12 Correct?

13 A Yes, ma'am.

14 Q All right. And that's the study written
15 by Nathan Greenwell. Correct?

16 A I mean, I'm not looking at it. I would
17 have to agree with you, yes.

18 Q Okay. And it was about the
19 vehicle-to-vehicle crash compatibility agreement.
20 Correct?

21 A Yes, ma'am.

22 Q Rough Country is aware of that agreement.
23 Correct?

24 A Yes, ma'am.

25 Q All right. And Rough Country reviewed

1 data that specifically indicates the configuration
2 of the vehicles, whether they've been modified or
3 unmodified.

4 BY MS. CANNELLA:

5 Q Are you aware of the FARS database?

6 A Yes, ma'am.

7 Q And do you agree that the FARS database
8 catalogs every death in every vehicle crash that
9 causes death?

10 A I believe that's accurate.

11 Q Okay. And does Rough Country monitor that
12 database?

13 A Not on a regular basis.

14 Q Has it ever monitored the FARS database?

15 A I'm not sure other than, again, the
16 reports that NHTSA has published based on the
17 analysis of that data, like the 2012.

18 Q So Rough Country has never done any
19 regular monitoring of the FARS database. Correct?

20 A No, ma'am.

21 Q Okay. It's read one paper that uses FARS
22 crash data. Correct?

23 A I believe the 2005 NHTSA study references
24 FARS data as well. I think there was a -- there's
25 probably been at least one National Institute.

1 Maybe that was included in one of the NHTSA studies,
2 too, but there's been...

3 Q Which 2005 study are you talking about?

4 A I'm not -- I don't know exactly what the
5 title of it was. It was something that was
6 presented during the Bacho case, I believe, and it
7 was part of the information I reviewed, you know,
8 when this claim came about but also back in 2014
9 when I joined the team and I was reviewing the Bacho
10 case.

11 Q What other studies have you or anyone else
12 at Rough Country reviewed about the risk of
13 increased injury or death as a result of lifted
14 vehicles?

15 MR. HILL: Object to the form. Go ahead.

16 BY THE WITNESS:

17 A None other to my knowledge.

18 BY MS. CANNELLA:

19 Q Just those two. Correct?

20 A Those are the primary two, yes. Those are
21 the two.

22 Q Any others?

23 A Not that I can recall, no, at the moment.

24 Q All right. I want to talk about one other
25 thing with you today, and then I'm going to let my

1 handling tests. Correct?

2 A Yes.

3 Q There's no document that shows whether the
4 lifts will affect trucks' compliance with a vehicle
5 compatibility agreement, are there?

6 MR. HILL: Object to the form. Go ahead.

7 BY THE WITNESS:

8 A Not specifically that I know, no.

9 BY MS. CANNELLA:

10 Q Isn't it true that when it comes to the
11 danger of its lifts, Rough Country is willing to
12 simply misrepresent facts to the people looking for
13 the truth?

14 MR. HILL: Object to the form. Go ahead.

15 BY THE WITNESS:

16 A Absolutely not.

17 BY MS. CANNELLA:

18 Q Let's go back to that exhibit that we were
19 just looking at -- or actually let's look at a
20 different one. I'm going to show you, in that same
21 string, which we'll mark as Exhibit -- Devin, which
22 exhibit?

23 MR. MASHMAN: 6.

24 MS. CANNELLA: 6.

25 (Plaintiffs' Exhibit Number 6 was marked

1 BY MS. CANNELLA:

2 Q Okay. And I'm going to scroll down just a
3 little bit here next to Suspension. According to
4 this website, that Rough Country links to on its own
5 web page, it says (as read): The suspension lift
6 limit in Georgia is 2 inches.

7 Is that correct?

8 A Yes, ma'am.

9 Q All right. And it cites Georgia code
10 40-8-6; is that right?

11 A Yes, ma'am.

12 Q So isn't it true that Rough Country does
13 have evidence that its products violate state laws?

14 A No, ma'am. We state on our website, you
15 know, in the statement that -- if you go back to
16 that, we state that we cannot validate the entirety
17 of this liftlaws.com website. And what you're
18 looking at, what you're showing me here is kind of
19 paraphrasing at best the Georgia law 'cause it's
20 definitely not a one-sentence regulation.

21 Q Okay. All right. Well, let's look at
22 something else, then. You're aware that Sergeant
23 Matheson of the Georgia State Patrol made a report
24 for this collision. Correct?

25 A Yes, ma'am.

1 Q Okay. And he did the charging documents
2 as well and decided what the striking driver would
3 be charged with. Correct?

4 A Yes, ma'am.

5 Q I'm going to show you the sentence from
6 that case.

7 Before I do that, do you agree that
8 Sergeant Matheson knows more about the criminal laws
9 of Georgia than anyone at Rough Country?

10 MR. HILL: Object to the form. Go ahead.

11 BY THE WITNESS:

12 A Yeah. I would say that that's probably,
13 you know...

14 BY MS. CANNELLA:

15 Q And would Rough Country defer to Sergeant
16 Matheson about what's legal and illegal in Georgia?

17 MR. HILL: Object to the form.

18 BY THE WITNESS:

19 A No, ma'am.

20 BY MS. CANNELLA:

21 Q Okay. Isn't it true that Sergeant
22 Matheson charged the striking driver in this case
23 with the same statute cited on the page that Rough
24 Country's website links to?

25 A I believe that is accurate.